REMARKS

Claims 1-4, 7, 8, 10-23, 26-41 and 43-54 are all the claims pending in the application.

Claims 1, 14, 19, 34 and 47 are independent. The remaining claims depend, directly or

indirectly, on claims 1, 14, 19, 34 and 47.

Claims 1, 2, 11, 14-16, 19-21, 31, 34, 37 and 47 are being amended.

Claims 12-13 and 32-33 are being canceled.

I.   **Claim Rejections: 35 U.S.C. § 101**

The Examiner rejected claims 14-18 under 35 U.S.C. § 101 as allegedly directed to non-

statutory subject matter. The Applicant herein amends claim 14 to further clarify that the

executable program of claims 14-18 aggregates content from a server to push to a mobile

terminal of a subscriber "to create a display of aggregated content on the terminal." As the

claimed invention produces a useful and concrete result—of a display of aggregated content to a

user—the Applicant believes the claims now satisfy the subject matter requirements of 35

U.S.C. § 101. As claims 15-18 depend from claim 14, the Applicant further submits that these

dependent claims contribute to the display of aggregated content to a subscriber, and therefore

also produce a useful, concrete, and tangible result. The Applicant submits that the amended

claim 14 and its dependents are fully supported by the specification of the application and that no

new matter is being added. As a result of the aforementioned claim amendment, the Applicant

believes that the rejection of claims 14-18 under 35 U.S.C. § 101 is now moot.

II. Claim Amendments

The Applicant herein amends claims 1, 2, 11, 14-16, 19-21, 31, 34, 37 and 47 to specify that the terminal is a "mobile terminal," as previously described in claims 12 and 32. Claims 12-13 and 32-33 are being canceled. No new matter is being added.

III. Claim Rejections: 35 U.S.C. § 103

The Examiner rejected claims 1-4, 7, 8, 11-17, 19-23, 26-29, 31-41, 43-45, and 47-53 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kim, U.S. Patent 6,546,002 and further in view of McNamar et al., U.S. Patent 7,089,202.

The Examiner specifically argues that while Kim allegedly teaches the majority of the elements of claims 1, 14, 19, 34, and 47, Kim does not disclose where personalized information is "pushed" from the server to the subscriber. The Examiner then cites to McNamar for the teaching that personalized information is pushed to the subscriber from the server, and concludes that it would have been obvious to one of ordinary skill in the art to modify the system taught by Kim to include personalized information to be pushed to the subscriber from the server of McNamar, in order to obtain a server-initiated push of personalized information, arranged at the server according to subscriber-selected presentation rules, to the subscriber terminal.

The Applicant respectfully disagrees. The Applicant first submits that in lieu of the amendments to claims 1, 14, 19, 34 and 47, neither Kim nor McNamar, taken alone or in combination, teach, suggest or provide motivation for pushing aggregated content from a server to a *mobile terminal*, as recited in the amended claims. McNamar does not teach providing information to a user at a mobile terminal, as in the claimed invention. Further, as discussed in detail below, the teachings of McNamar, taken alone or in combination with Kim, do not enable

one of ordinary skill in the art to develop a system that pushes data from a server to a mobile

terminal.

The Applicant submits that McNamar does not enable one of ordinary skill in the art to

practice the "push technology" that it discloses. McNamar is directed to a system and method of

managing financial information over the Internet, and only describes the broad possibilities for

how the financial information is obtained. While McNamar discloses "push technology" in Col.

25, line 64 – Col. 26, line 7, it does not disclose *how* the information is pushed to a web site or a

subscriber, or with what components. Instead, McNamar simply discloses that "push technology

will be used to provide information..." *McNamar*, Col. 26, line 1. Therefore, the combination of

McNamar with Kim would not enable one of ordinary skill in the art to devise a system for

aggregating content from a server to push to a terminal of a subscriber, as described in the

claimed invention.

The Applicant further submits that there is no motivation to combine McNamar with

Kim, as neither McNamar nor Kim provide any teaching, suggestion or motivation supporting

the combination of the system of Kim with the push technology described in McNamar. The

Examiner has not provided an explicit rationale for the apparent reason to combine the known

elements in the fashion claimed. *KSR v. Teleflex*, 550 U.S. ___, opinion at p. 14 (2007).

McNamar is directed to managing financial information over the Internet, not providing

aggregated content to a mobile device or mobile terminal, and McNamar makes no mention of

the idea of using push technology for anything other than its limited purpose of providing

financial data to a web page, as described in Col. 26, lines 1-7.

The Examiner has also failed to "identify a reason that would have prompted a person of

ordinary skill in the relevant field to combine the elements in the way the claimed new invention

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does." *KSR*, opinion at p. 15. The Examiner states that "one would have been motivated to make such a combination because a way to provide pre-selected information to the user when it becomes available without the user having to continuously access the site until it is available would have been obtained, as taught by McNamar." *Office Action, p. 4*. However, McNamar does not teach the ability to use push technology to deliver aggregated content from a server to a mobile terminal, as McNamar only superficially covers the concept of push technology.

Therefore, the Applicant believes that one skilled in the art would not be motivated to combine the basic concept of pushing technology disclosed in McNamar with the system of Kim to arrive at the claimed invention. That McNamar and Kim could be modified in the manner suggested by the Examiner does not make the modification obvious unless the cited art suggests the desirability of the modification. As neither McNamar nor Kim suggest such a modification of a system to push aggregated content from a server to a mobile terminal, it cannot be said that the combination of Kim and McNamar satisfy the requirements of a rejection under 35 U.S.C. § 103.

For at least the reasons stated above, the Applicant submits that Kim and McNamar fail to teach the claimed invention sufficient to support an obviousness rejection under 35 U.S.C. § 103(a). Therefore, the Applicant requests that the rejection of claims 1-4, 7, 8, 11-17, 19-23, 26-29, 31-41, 43-45 and 47-53 be withdrawn.

IV.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

     The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

/Scott H. Davison/

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Date: November 13, 2007